

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 2016-01

Effective March 14, 2016

AN ORDINANCE ESTABLISHING RATES, CHARGES AND RULES FOR THE USE AND SERVICE OF THE WATER SUPPLY, AND DISTRIBUTION SYSTEM OF THE VILLAGE OF GRAND BEACH, COUNTY OF BERRIEN, MICHIGAN.

THE VILLAGE OF GRAND BEACH ORDAINS: Section 1. A. Water Meter Charges and Base Water Rate Established. There shall be and there are hereby established rates and charges for the use of and the services supplied by the Village's Water Supply and Distribution system, as follows:

Metered Rates: Monthly water rates for users of the Village's Water Supply and Distribution System, based upon the size of the meter and the meter readings of the quantity of water consumed (Base Rate plus Flow Rate) as follows:

Water Rates Base Rate:

Meter Size Monthly Charge 5/8 inch \$16.80 3/4 inch 25.00 1 inch 31.00 1 1/2 inch 73.00
2 inch 114.00 The above base rates and other charges in this ordinance may be adjusted from time to time by a Village Council resolution. Water flow rates shall be \$5.75 per 1,000 gallons of water used and shall be set from time to time by a Village Council resolution. B. Pool Fill Charges

Residents or their agent may use the Village fire hydrant meter for a fee of \$100.00 or the current rate for the meter use in order to fill their swimming pool from the Village fire hydrant. An authorized employee of the Village will assist in connecting the meter to the hydrant for use in filling the swimming pool.

Water drawn from the hydrant for pool fills will be calculated by the meter, and the resident will be billed for the water at the current water rate. C. Special Rates

For miscellaneous services for which a special rate shall be established, such rates shall be fixed by Village Council resolution. D. Water Turn On and Turn Off Charges and Work Hours

The Village will impose a charge of \$75.00 when the Village is requested to turn the water on or turn the water off after regular hours of the Water Department, on weekends and on holidays that are observed by the Village of Grand Beach. If the Water Department has to return to turn the water back on or off after the initial visit, there will be an additional \$75.00 charge.

Regular Work Hours of the Water Department are defined as Monday through Friday between the hours of 7:00 a.m. EST and 3:00 p.m. EST, with the exception of any holiday observed by the Village of Grand Beach.

E. Delinquent Account

Charges for services rendered shall be calculated, billed and collected on a monthly or bi-monthly basis and payable as of the "Due Date". If payment is not received by the Village by the "Due Date" shown on the water bill, such charge shall be deemed delinquent and a penalty of 10% shall be added thereto. If such delinquency continues for thirty (30) days, then water furnished to such premises shall be shut off.

When water has been shut off, whether for non-payment of water bill, or any violation of this ordinance, a charge of \$50.00 shall be made for the final meter reading and turnoff. Water service shall not be restored to the premises until all delinquencies, charges, penalties, and fees are paid in full.

F. Enforcement of Lien on the Premises to Secure Payment

i. The charges for water services, pursuant to the provisions of Section 21 of Act No. 210 of the Public Acts of Michigan of 1941 (MCLA § 141.121) and Section 2 of Act No. 178 of the Public Acts of 1939, as amended by Act No. 132 of the Public Acts of Michigan of 1981 (MCLA § 123.162), and as may be amended in the future, are a lien on all premises immediately upon the distribution of water service to the premises or property supplied.

ii. The Village Treasurer shall annually, on May 1, certify all unpaid charges for such services furnished to any premises which, on April 30 preceding, have remained unpaid for a period of six months, to the Township Assessor, who shall place the same on the next tax roll of the Township. An additional penalty in an amount equal to 10% of the delinquent bill shall be added at the time the delinquent bill is entered on the tax roll.

iii. Such charges so assessed shall be collected in the same manner as general Village taxes, in cases where the Village is properly notified in accordance with Section 21 of Act No. 210 of the Public Acts of Michigan of 1941 (MCLA § 141.121).

iv. If a tenant is contractually responsible for the payment of water charges at a premises, the Village Clerk shall be notified in writing. Such notice shall include a fully executed copy of the lease for the subject premises. If these written requirements are met, then the water charges shall not become a lien against the premises after the date of the notice. In the event of filing of the notice with the Clerk, the Village shall render no further water service to the premises until a cash deposit of \$250.00 is made as security for the payment of water charges. In addition to any other lawful enforcement methods, the payment of charges for water service to any premises may be enforced by immediately discontinuing the water service to the premises until payment of charges and the cash deposit is made to the Village.

G. Tampering with Water System Prohibited

No person, except authorized employees of the Village, and then only in the legitimate discharge of their duties, shall open or close any main valve or fire hydrant, or remove the cover for any valve or hydrant, nor shall any person interfere with or damage in any manner any building, machine, pipe, meter or fixture of the Water Department. The use of fire hydrants as a source of water supply, except by employees as above mention is strictly prohibited, unless written permission is obtained from the Water Department.

No person, except authorized employees of the Village shall remove a water meter, or turn the water on or off at the water meter.

Any person, other than an authorized Village employee, who opens a water meter cover to turn the water on or off, or removes the water meter shall be responsible for a municipal civil infraction and fined a minimum of \$200.00 for tampering with the meter. If there is damage caused, the homeowner will be charged the actual costs to repair the damages (employee time, benefits and materials) plus any administrative cost, legal fees, inspection fees, or any other fees incurred by the Village in relation to a violation of this section.

H. Fire Hydrant Rate

For water used through a fire hydrant, the Village shall pay a charge of \$100.00 per hydrant per year to the Water Fund, which charge shall be payable from the current funds of the Village, or from the proceeds of taxes which the Village, within constitutional and statutory tax rate limits, is hereby Authorized and required to levy in an amount sufficient for that purpose. Section 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

Section 3. An ordinance summary shall be published in the New Buffalo Times, New Buffalo, Michigan newspaper, a paper of general circulation in the Village, promptly after

its adoption, and shall be recorded in the Ordinance Book of the Village, and such recording authenticated by the signatures of the Village President and Village Clerk. Section 4. This Ordinance is hereby determined by the Village Council to be immediately necessary for the preservation of the peace, health and safety of the Village and is therefore declared to have immediate effect after publication requirement has been met.

ORDINANCE DECLARED ADOPTED.

PAUL LEONARD JR., Village President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17th day of February, 2016, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk